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PROMOTION AND PROTECTION OF HUMAN RIGHTS: STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Report of the Secretary-General

1. The General Assembly, by its resolution 2200 A (XXI) of 16 December 1966, adopted and opened for signature, ratification or accession the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.

2. Both Covenants and the Optional Protocol were opened for signature at New York on 19 December 1966. In accordance with their respective provisions,[1] the International Covenant on Economic, Social and Cultural Rights entered into force on 3 January 1976, the International Covenant on Civil and Political Rights entered into force on 23 March 1976, and the Optional Protocol to the International Covenant on Civil and Political Rights, having received the required number of ratifications or accessions, entered into force simultaneously with that Covenant on 23 March 1976.

3. The General Assembly, by its resolution 44/128 of 15 December 1989, adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and called upon all Governments in a position to do so to consider signing and ratifying or acceding to the Second Optional Protocol.

4. The Second Optional Protocol to the International Covenant on Civil and Political Rights entered into force on 11 July 1991, three months after the date of deposit with the Secretary-General of the tenth instrument of ratification or accession.[2]

5. By its resolution 1998/9 of 3 April 1998, the Commission on Human Rights, inter alia, appealed strongly to all States that had not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41; invited the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to assist such States at their request in ratifying them or acceding to them; encouraged States parties to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate such reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law. The Commission also stressed the importance of avoiding the erosion of human rights by derogation and underlined the necessity for strict observance by States parties of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide the fullest possible information during states of emergency, so that the justification for the appropriateness of measures taken in those circumstances could be assessed. The Commission further urged States parties to fulfil in good time their reporting obligations under the International Covenants on Human Rights and in their reports to make use of gender-disaggregated data; it also urged them to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights. The Commission requested the Secretary-General to ensure that the Office of the High Commissioner for Human Rights effectively assisted the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources. It further requested the Secretary-General to submit at its fifty-sixth session a report on the status of the International Covenants and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.[3]

6. As at 1 January 2000, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 142 States, the International Covenant on Civil and Political Rights by 145 States, the Optional Protocol to the International Covenant on Civil and Political Rights by 95 States, and the Second Optional Protocol to the International Covenant on Civil and Political Rights by 41 States.

7. Upon ratification of the International Covenant on Civil and Political Rights or subsequently 47 States made the declaration provided for in article 41 of the Covenant, recognizing the competence of the Human Rights Committee established under article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant. The provisions of

article 41 entered into force on 28 March 1979 in accordance with paragraph 2 of that article. No inter-State communication under article 41 of the Covenant had been filed as of the date of the present report.

8. Under the Optional Protocol to the International Covenant on Civil and Political Rights, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration. As of the date of the present report, the Committee had registered over 900 communications and adopted final decisions on the merits ("Views" under article 5, paragraph 4, of the Optional Protocol) with respect to 333 of them.

9. Since the previous report to the Commission on Human Rights (E/CN.4/1998/83) the Human Rights Committee has adopted a general comment on freedom of movement (article 12 of the Covenant). At present the Human Rights Committee is considering draft general comments on gender equality (art. 3) and on derogations and states of emergency (art. 4).

10. The lists of the States parties to the Covenants and the Optional Protocols, the dates of their ratifications, accessions or successions as well as the dates of entry into force of those instruments for each State appear in annexes I and II to the present document.

Notes

[1] Article 27 of the International Covenant on Economic, Social and Cultural Rights, article 49 of the International Covenant on Civil and Political Rights and article 9 of the Optional Protocol.

[2] Article 8 of the Second Optional Protocol.

[3] For the text of reservations, declarations, notifications and objections relating to the International Covenant on Economic, Social and Cultural Rights see document E/C.12/1993/3/Rev.4 of 5 August 1999, relating to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, consult the Web site of the Office of the United Nations High Commissioner for Human Rights (www.unhchr.ch).

Annex I

STATES PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AS AT 15 DECEMBER 1999 (142)

State party	Date of receipt of the instrument of ratification or accession[a] or succession[b]	Date of entry into force
Afghanistan	24 January 1983[a]	24 April 1983
Albania	4 October 1991[a]	4 January 1992
Algeria	12 September 1989	12 December 1989
Angola	10 January 1992[a]	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia	13 September 1993	13 December 1993
Australia	10 December 1975	10 March 1976
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992[a]	13 November 1992
Bangladesh	5 October 1998[a]	5 January 1999
Barbados	5 January 1973[a]	3 January 1976
Belarus	12 November 1973	3 January 1976
Belgium	21 April 1983	21 July 1983
Benin	12 March 1992[a]	12 June 1992
Bolivia	12 August 1982[a]	12 November 1982
Bosnia and Herzegovina	1 September 1993[b]	6 March 1992
Brazil	24 January 1992[a]	24 April 1992
Bulgaria	21 September 1970	3 January 1976
Burkina Faso	4 January 1999[a]	4 April 1999
Burundi	9 May 1990[a]	9 August 1990
Cambodia	26 May 1992[a]	26 August 1992
Cameroon	27 June 1984[a]	27 September 1984
Canada	19 May 1976[a]	19 August 1976
Cape Verde	6 August 1993[a]	6 November 1993
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995[a]	9 September 1995
Chile	10 February 1972	3 January 1976
Colombia	29 October 1969	3 January 1976
Congo	5 October 1983[a]	5 January 1984
Costa Rica	29 November 1968	3 January 1976

State party	Date of receipt of the instrument of ratification or accession[a] or succession[b]	Date of entry into force
Côte d'Ivoire	26 March 1992[a]	26 June 1992
Croatia	8 October 1991[b]	8 October 1991
Cyprus	2 April 1969	3 January 1976
Czech Republic	22 February 1993[b]	1 January 1993
Democratic People's Republic of Korea	14 September 1981[a]	14 December 1981
Denmark	6 January 1972	3 January 1976
Dominica	17 June 1993[a]	17 September 1993
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	3 January 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987[a]	25 December 1987
Eritrea	20 January 1999	20 April 1999
Estonia	21 October 1991[a]	21 January 1992
Ethiopia	11 June 1993[a]	11 September 1993
Finland	19 August 1975	3 January 1976
France	4 November 1980[a]	4 February 1981
Gabon	21 January 1983[a]	21 April 1983
Gambia	29 December 1978[a]	29 March 1979
Georgia	3 May 1994[a]	3 August 1994
Germany	17 December 1973	3 January 1976
Greece	16 May 1985[a]	16 August 1985
Grenada	6 September 1991[a]	6 December 1991
Guatemala	19 May 1988[a]	19 August 1988
Guinea	24 January 1978	24 April 1978
Guinea-Bissau	2 July 1992[a]	2 October 1992
Guyana	15 February 1977	15 May 1977
Honduras	17 February 1981[a]	17 May 1981
Hungary	17 January 1974	3 January 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979[a]	10 July 1979
Iran (Islamic Republic of)	24 June 1975	3 January 1976
Iraq	25 January 1971	3 January 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991	3 January 1992

State party	Date of receipt of the instrument of ratification or accession[a] or succession[b]	Date of entry into force
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	3 January 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	3 January 1976
Kenya	1 May 1972[a]	3 January 1976
Kuwait	21 May 1996[a]	21 August 1996
Kyrgyzstan	7 October 1994	7 January 1995
Latvia	14 April 1992[a]	14 July 1992
Lebanon	3 November 1972[a]	3 January 1976
Lesotho	9 September 1992[a]	9 December 1992
Libyan Arab Jamahiriya	15 May 1970[a]	3 January 1976
Liechtenstein	10 December 1998[a]	10 March 1999
Lithuania	20 November 1991[a]	20 February 1992
Luxembourg	18 August 1983	18 November 1983
Madagascar	22 September 1971[a]	3 January 1976
Malawi	22 December 1993[a]	22 March 1994
Mali	16 July 1974[a]	3 January 1976
Malta	13 September 1990	13 December 1990
Mauritius	12 December 1973[a]	3 January 1976
Mexico	23 March 1981[a]	23 June 1981
Monaco	28 August 1997	28 November 1997
Mongolia	18 November 1974	3 January 1976
Morocco	3 May 1979	3 August 1979
Namibia	22 December 1993[a]	22 March 1994
Nepal	14 May 1991[a]	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980[a]	12 June 1980
Niger	7 March 1986[a]	7 June 1986
Nigeria	29 July 1993[a]	29 October 1993
Norway	13 September 1972	3 January 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 June 1992[a]	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	7 June 1974	3 January 1976
Poland	18 March 1977	18 June 1977
Portugal	31 July 1978	31 October 1978
Republic of Korea	10 April 1990[a]	10 July 1990
Republic of Moldova	26 January 1993[a]	26 April 1993
Romania	9 December 1974	3 January 1976

State party	Date of receipt of the instrument of ratification or accession[a] or succession[b]	Date of entry into force
Russian Federation	16 October 1973	3 January 1976
Rwanda	16 April 1975[a]	3 January 1976
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993[b]	1 January 1993
Slovenia	6 July 1992[a]	6 July 1992
Solomon Islands	17 March 1982[b]	17 March 1982
Somalia	24 January 1990[a]	24 April 1990
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980[a]	11 September 1980
Sudan	18 March 1986[a]	18 June 1986
Suriname	28 December 1976[a]	28 March 1977
Sweden	6 December 1971	3 January 1976
Switzerland	18 June 1992[a]	18 September 1992
Syrian Arab Republic	21 April 1969[a]	3 January 1976
Tajikistan	4 January 1999[a]	4 April 1999
The former Yugoslav Republic of Macedonia	18 January 1994[b]	17 September 1991
Togo	24 May 1984[a]	24 August 1984
Trinidad and Tobago	8 December 1978[a]	8 March 1979
Tunisia	18 March 1969	3 January 1976
Turkmenistan	1 May 1997[a]	1 August 1997
Uganda	21 January 1987[a]	21 April 1987
Ukraine	12 November 1973	3 January 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976[a]	11 September 1976
Uruguay	1 April 1970	3 January 1976
Uzbekistan	28 September 1995	28 December 1995
Venezuela	10 May 1978	10 August 1978
Viet Nam	24 September 1982[a]	24 December 1982
Yemen	9 February 1987[a]	9 May 1987
Yugoslavia	2 June 1971	3 January 1976
Zaire	1 November 1976[a]	1 February 1977
Zambia	10 April 1984[a]	10 July 1984
Zimbabwe	13 May 1991[a]	13 August 1991

Annex II

STATES PARTIES TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND TO THE OPTIONAL PROTOCOLS AND STATES WHICH HAVE MADE THE DECLARATION UNDER ARTICLE 41 OF THE COVENANT AS AT 15 DECEMBER 1999

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
A States parties to the International Covenant on Civil and Political Rights (145)		
Afghanistan	24 January 1983[a]	24 April 1983
Albania	4 October 1991[a]	4 January 1992
Algeria	12 September 1989	12 December 1989
Angola	10 January 1992[a]	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia	23 June 1993[a]	[b]
Australia	13 August 1980	13 November 1980
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992[a]	[b]
Barbados	5 January 1973[a]	23 March 1976
Belarus	12 November 1973	23 March 1976
Belgium	21 April 1983	21 July 1983
Belize	10 June 1996[a]	10 September 1996
Benin	12 March 1992[a]	12 June 1992
Bolivia	12 August 1982[a]	12 November 1982
Bosnia and Herzegovina	1 September 1993[c]	6 March 1992
Brazil	24 January 1992[a]	24 April 1992
Bulgaria	21 September 1970	23 March 1976
Burkina Faso	4 January 1999[a]	4 April 1999
Burundi	9 May 1990[a]	9 August 1990
Cambodia	26 May 1992[a]	26 August 1992
Cameroon	27 June 1984[a]	27 September 1984
Canada	19 May 1976[a]	19 August 1976
Cape Verde	6 August 1993[a]	6 November 1993
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995[a]	9 September 1995
Chile	10 February 1972	23 March 1976
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983[a]	5 January 1984
Costa Rica	29 November 1968	23 March 1976

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Côte d'Ivoire	26 March 1992[a]	26 June 1992
Croatia	12 October 1992[c]	8 October 1991
Cyprus	2 April 1969	23 March 1976
Czech Republic	22 February 1993[c]	1 January 1993
Democratic People's Republic of Korea	14 September 1981[a]	14 December 1981
Democratic Republic of the Congo	1 November 1976[a]	1 February 1977
Denmark	6 January 1972	23 March 1976
Dominica	17 June 1993[a]	17 September 1993
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	23 March 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987[a]	25 December 1987
Estonia	21 October 1991[a]	21 January 1992
Ethiopia	11 June 1993[a]	11 September 1993
Finland	19 August 1975	23 March 1976
France	4 November 1980[a]	4 February 1981
Gabon	21 January 1983[a]	21 April 1983
Gambia	22 March 1979[a]	22 June 1979[b]
Georgia	3 May 1994[a]	
Germany	17 December 1973	23 March 1976
Greece	5 May 1997[a]	5 August 1997
Grenada	6 September 1991[a]	6 December 1991
Guatemala	6 May 1992[a]	5 August 1992
Guinea	24 January 1978	24 April 1978
Guyana	15 February 1977	15 May 1977
Haiti	6 February 1991[a]	6 May 1991
Honduras	25 August 1997	25 November 1997
Hungary	17 January 1974	23 March 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979[a]	10 July 1979
Iran, Islamic Republic of	24 June 1975	23 March 1976
Iraq	25 January 1971	23 March 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991[a]	3 January 1992
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	23 March 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	23 March 1976
Kazakhstan[d]		

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Kenya	1 May 1972[a]	23 March 1976
Kuwait	21 May 1996[a]	21 August 1996 [b]
Kyrgyzstan	7 October 1994[a]	14 July 1992
Latvia	14 April 1992[a]	23 March 1976
Lebanon	3 November 1972[a]	
Lesotho	9 September 1992[a]	9 December 1992
Libyan Arab Jamahiriya	15 May 1970[a]	23 March 1976
Liechtenstein	10 December 1998[a]	10 March 1999
Lithuania	20 November 1991[a]	20 February 1992
Luxembourg	18 August 1983	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	22 December 1993[a]	22 March 1994
Mali	16 July 1974[a]	23 March 1976
Malta	13 September 1990[a]	13 December 1990
Mauritius	12 December 1973[a]	23 March 1976
Mexico	23 March 1981[a]	23 June 1981
Monaco	28 August 1997	28 November 1997
Mongolia	18 November 1974	23 March 1976
Morocco	3 May 1979	3 August 1979
Mozambique	21 July 1993[a]	21 October 1993
Namibia	28 November 1994[a]	28 February 1995
Nepal	14 May 1991	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980[a]	12 June 1980
Niger	7 March 1986[a]	7 June 1986
Nigeria	29 July 1993[a]	29 October 1993
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1997
Paraguay	10 June 1992[a]	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	23 October 1986	23 January 1987
Poland	18 March 1977	18 June 1977
Portugal	15 June 1978	15 September 1978
Republic of Korea	10 April 1990[a]	10 July 1990
Republic of Moldova	26 January 1993[a]	[b]
Romania	9 December 1974	23 March 1976
Russian Federation	16 October 1973	23 March 1976
Rwanda	16 April 1975[a]	23 March 1976
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993[c]	1 January 1993
Slovenia	6 July 1992[c]	25 June 1991
Somalia	24 January 1990[a]	24 April 1990
South Africa	10 December 1998[a]	10 March 1999
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980[a]	11 September 1980
Sudan	18 March 1986[a]	18 June 1986
Suriname	28 December 1976[a]	28 March 1977
Sweden	6 December 1971	23 March 1976
Switzerland	18 June 1992[a]	18 September 1992
Syrian Arab Republic	21 April 1969[a]	23 March 1976
Tajikistan	4 January 1999	4 April 1999
Thailand	29 October 1996[a]	29 January 1997
The former Yugoslav Republic of Macedonia	17 September 1991[c]	17 September 1991
Togo	24 May 1984[a]	24 August 1984
Trinidad and Tobago	21 December 1978[a]	21 March 1979
Tunisia	18 March 1969	23 March 1976 [b]
Turkmenistan	1 May 1997[a]	
Uganda	21 June 1995[a]	21 September 1995
Ukraine	12 November 1973	23 March 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976[a]	11 September 1976
United States of America	8 June 1992	8 September 1992
Uruguay	1 April 1970	23 March 1976 [b]
Uzbekistan	28 September 1995	
Venezuela	10 May 1978	10 August 1978
Viet Nam	24 September 1982[a]	24 December 1982
Yemen	9 February 1987[a]	9 May 1987
Yugoslavia	2 June 1971	23 March 1976
Zambia	10 April 1984[a]	10 July 1984
Zimbabwe	13 May 1991[a]	13 August 1991

In addition to the States parties listed above, the Covenant continues to apply in Hong Kong, Special Administrative Region, People's Republic of China [c]

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
B States parties to the Optional Protocol (95)		
Algeria	12 September 1989[a]	12 December 1989
Angola	10 January 1992[a]	10 April 1992
Argentina	8 August 1986[a]	8 November 1986
Armenia	23 June 1993	23 September 1993
Australia	25 September 1991[a]	25 December 1991
Austria	10 December 1987	10 March 1988
Barbados	5 January 1973[a]	23 March 1976
Belarus	30 September 1992[a]	30 December 1992
Belgium	17 May 1994[a]	17 August 1994
Benin	12 March 1992[a]	12 June 1992
Bolivia	12 August 1982[a]	12 November 1982
Bosnia and Herzegovina	1 March 1995	1 June 1995
Bulgaria	26 March 1992[a]	26 June 1992
Burkina Faso	4 January 1999[a]	4 April 1999
Cameroon	27 June 1984[a]	27 September 1984
Canada	19 May 1976[a]	19 August 1976
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995	9 September 1995
Chile	28 May 1992[a]	28 August 1992
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983[a]	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	5 March 1997	5 June 1997
Croatia	12 October 1995	12 January 1996
Cyprus	15 April 1992	15 July 1992
Czech Republic	22 February 1993[c]	1 January 1993
Democratic Republic of the Congo	1 November 1976[a]	1 February 1977
Denmark	6 January 1972	23 March 1976
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	23 March 1976
El Salvador	6 June 1995	6 September 1995
Equatorial Guinea	25 September 1987[a]	25 December 1987
Estonia	21 October 1991[a]	21 January 1992
Finland	19 August 1975	23 March 1976
France	17 February 1984[a]	17 May 1984

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Gambia	9 June 1988[a]	9 September 1988
Georgia	3 May 1994[a]	3 August 1994
Germany	25 August 1993	25 November 1993
Greece	5 May 1997[a]	5 August 1997
Guinea	17 June 1993	17 September 1993
Guyana[f]	10 May 1993[a]	10 August 1993
Hungary	7 September 1988[a]	7 December 1988
Iceland	22 August 1979[a]	22 November 1979
Ireland	8 December 1989	8 March 1990
Italy	15 September 1978	15 December 1978
Kyrgyzstan	7 October 1994[a]	7 January 1995
Latvia	22 June 1994[a]	22 September 1994
Libyan Arab Jamahiriya	16 May 1989[a]	16 August 1989
Liechtenstein	10 December 1998[a]	10 March 1999
Lithuania	20 November 1991[a]	20 February 1992
Luxembourg	18 August 1983[a]	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	11 June 1996	11 September 1996
Malta	13 September 1990[a]	13 December 1990
Mauritius	12 December 1973[a]	23 March 1976
Mongolia	16 April 1991[a]	16 July 1991
Namibia	28 November 1994[a]	28 February 1995
Nepal	14 May 1991[a]	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	26 May 1989[a]	26 August 1989
Nicaragua	12 March 1980[a]	12 June 1980
Niger	7 March 1986[a]	7 June 1986
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 January 1995[a]	10 April 1995
Peru	3 October 1980	3 January 1981
Philippines	22 August 1989[a]	22 November 1989
Poland	7 November 1991[a]	7 February 1992
Portugal	3 May 1983	3 August 1983
Republic of Korea	10 April 1990[a]	10 July 1990
Romania	20 July 1993[a]	20 October 1993
Russian Federation	1 October 1991[a]	1 January 1992
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993[c]	1 January 1993
Slovenia	16 July 1993[a]	16 October 1993
Somalia	24 January 1990[a]	24 April 1990
Spain	25 January 1985[a]	Indefinitely
Sri Lanka[a]	3 October 1997	3 January 1998
Suriname	28 December 1976[a]	28 March 1977
Sweden	6 December 1971	23 March 1976
Tajikistan	4 January 1999[a]	4 April 1999
The former Yugoslav Republic of Macedonia	12 December 1994[a]	12 March 1995
Togo	30 March 1988[a]	30 June 1988
Trinidad and Tobago[f]	14 November 1980[a]	14 February 1981
Turkmenistan[b]	1 May 1997[a]	1 August 1997
Uganda	14 November 1995	14 February 1996
Ukraine	25 July 1991[a]	25 October 1991
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995	28 December 1995
Venezuela	10 May 1978	10 August 1978
Zambia	10 April 1984[a]	10 July 1984

C States parties to the Second Optional Protocol, aiming at the abolition of the death penalty (41)

Australia	2 October 1990[a]	11 July 1991
Austria	2 March 1993	2 June 1993
Azerbaijan	22 January 1999[a]	22 April 1999
Belgium	8 December 1998	8 March 1999
Bulgaria	10 August 1999	10 November 1999
Colombia	5 August 1997	5 November 1997
Costa Rica	5 June 1998	5 September 1998
Croatia	12 October 1995	12 January 1996
Cyprus	10 September 1999[a]	10 December 1999
Denmark	24 February 1994	24 May 1994
Ecuador	23 February 1993[a]	23 May 1993
Finland	4 April 1991	11 July 1991
Georgia	22 March 1999[a]	22 June 1999
Germany	18 August 1992	18 November 1992
Greece	5 May 1997[a]	5 August 1997

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Hungary	24 February 1994[a]	24 May 1994
Iceland	2 April 1991	11 July 1991
Ireland	18 June 1993[a]	18 September 1993
Italy	14 February 1995	14 May 1995
Liechtenstein	10 December 1998	10 March 1999
Luxembourg	12 February 1992	12 May 1992
Malta	29 December 1994	29 March 1995
Mozambique	21 July 1993[a]	21 October 1993
Namibia	28 November 1994[a]	28 February 1995
Nepal	4 March 1998	4 June 1998
Netherlands	26 March 1991	11 July 1991
New Zealand	22 February 1990	11 July 1991
Norway	5 September 1991	5 December 1991
Panama	21 January 1993[a]	21 April 1993
Portugal	17 October 1990	11 July 1991
Romania	27 February 1991	11 July 1991
Seychelles	15 December 1994[a]	15 March 1995
Slovakia	22 June 1999[a]	22 September 1999
Slovenia	10 March 1994	10 June 1994
Spain	11 April 1991	11 July 1991
Sweden	11 May 1990	11 July 1991
Switzerland	16 June 1994[a]	16 September 1994
The former Yugoslav Republic of Macedonia	26 January 1995[a]	26 April 1995
United Kingdom of Great Britain and Northern Ireland	19 December 1999	10 March 2000
Uruguay	21 January 1993	21 April 1993
Venezuela	22 February 1993	22 May 1993

D States which have made the declaration under article 41 of the Covenant (47)

State party	Valid from	Valid until
Algeria	12 September 1989	Indefinitely
Argentina	8 August 1986	Indefinitely
Australia	28 January 1993	Indefinitely
Austria	10 September 1978	Indefinitely
Belarus	30 September 1992	Indefinitely
Belgium	5 March 1987	Indefinitely
Bosnia and Herzegovina	6 March 1992	Indefinitely
Bulgaria	12 May 1993	Indefinitely
Canada	29 October 1979	Indefinitely
Chile	11 March 1990	Indefinitely

State party	Valid from	Valid until
Congo	7 July 1989	Indefinitely
Croatia	12 October 1995	Indefinitely
Czech Republic	1 January 1993	Indefinitely
Denmark	23 March 1976	Indefinitely
Ecuador	24 August 1984	Indefinitely
Finland	19 August 1975	Indefinitely
Gambia	9 June 1988	Indefinitely
Germany	28 March 1979	27 March 2001
Guyana	10 May 1993	Indefinitely
Hungary	7 September 1988	Indefinitely
Iceland	22 August 1979	Indefinitely
Ireland	8 December 1989	Indefinitely
Italy	15 September 1978	Indefinitely
Liechtenstein	10 March 1999	Indefinitely
Luxembourg	18 August 1983	Indefinitely
Malta	13 September 1990	Indefinitely
Netherlands	11 December 1978	Indefinitely
New Zealand	28 December 1978	Indefinitely
Norway	23 March 1976	Indefinitely
Peru	9 April 1984	Indefinitely
Philippines	23 October 1986	Indefinitely
Poland	25 September 1990	Indefinitely
Republic of Korea	10 April 1990	Indefinitely
Russian Federation	1 October 1991	Indefinitely
Senegal	5 January 1981	Indefinitely
Slovakia	1 January 1993	Indefinitely
Slovenia	6 July 1992	Indefinitely
South Africa	10 March 1999	Indefinitely
Spain	25 January 1985	Indefinitely
Sri Lanka	11 June 1980	Indefinitely
Sweden	23 March 1976	Indefinitely
Switzerland	18 September 1992	18 September 2002
Tunisia	24 June 1993	Indefinitely
Ukraine	28 July 1992	Indefinitely
United Kingdom of Great Britain and Northern Ireland	20 May 1976	Indefinitely
United States of America	8 September 1992	Indefinitely
Zimbabwe	20 August 1991	Indefinitely

Notes

[a] Accession.

[b] In the opinion of the Committee, the entry into force goes back to the date when the State became independent.

[c] Succession.

[d] Although a declaration of succession has not been received, the people within the territory of the State - which constituted part of a former State party to the Covenant - continue to be entitled to the guarantees enunciated in the Covenant in accordance with the Committee's established jurisprudence (see Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40 (A/49/40), vol. I, paras. 48 and 49).

[e] For information on the application of the Covenant in Hong Kong, Special Administrative Region, People's Republic of China (see Official Records of the General Assembly, Fifty-first Session, Supplement No. 40 (A/51/40), chap. V, sect. B, paras. 78-85).

[f] Trinidad and Tobago denounced the Optional Protocol on 26 May 1998 and reacceded on the same day subject to reservations, with effect from 26 August 1998. Guyana denounced the Optional Protocol on 5 January 1999 and reacceded on the same day subject to reservations, with effect from 5 April 1999.

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Fifty-sixth session
Item 17 of the provisional agenda

PROMOTION AND PROTECTION OF HUMAN RIGHTS

Impunity

Report of the Secretary-General

GE.99-16524 (E)

I. INTRODUCTION

1. In its resolution 1999/34, the Commission on Human Rights recalled the report submitted by Mr. Louis Joinet (E/CN.4/Sub.2/1997/20/Rev.1) and the Set of principles for the protection and promotion of human rights through action to combat impunity, annexed to the report, and requested the Secretary-General to again invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to submit a report thereon to the Commission at its fifty-sixth session. The present report, submitted in accordance with the request contained in resolution 1999/34, summarizes replies received from States, intergovernmental organizations and non-governmental organizations.

II. REPLIES

2. In response to the note verbales and letters sent on 15 September 1999, information was received from the Governments of Cuba, Cyprus, Germany, New Zealand, Peru and the United Kingdom of Great Britain and Northern Ireland. Information was also received from the Economic Commission for Latin America and the Caribbean, the International Criminal Tribunal for the Former Yugoslavia, the International Rehabilitation Council for Torture Victims and the International Federation of Surgical Colleges.

3. The Government of Cuba indicated that it would continue in future, in the spirit of the Vienna Declaration and Programme of Action, to work against selectivity in the struggle against impunity. It emphasized the importance of international cooperation to combat impunity, bearing in mind the basic principles laid down in Article 2 of the Charter of the United Nations, underlined the unacceptability of unilateral State action to apply justice extraterritorially, and contended that the "right" of humanitarian intervention was a dubious effort to confer doctrinal legitimacy on what was really an attempt at geo-political domination. States were to be encouraged to adopt administrative, legislative and judicial measures so as to give effect to human rights guarantees and, in this regard, the Government reiterated its determination to enforce responsibility for violations of human rights, which constituted an essential element and a key factor in the definitive establishment of justice and national reconciliation within a State. Moreover, international cooperation in the struggle against impunity was the only possible means to ensure the fair application of justice. The Government stressed that the people of the South required reparation and justice for impunity, neo-colonial wars, the extermination of populations and peoples, the defilement of their economic, cultural and natural heritage by countries of the North, the decapitalization of the developing countries charged with paying external debts and the dumping of toxic waste in their territories, to cite only a few examples.

4. The Government of Cyprus explained the existing administrative, legislative and other measures for combating impunity for human rights violations contained in its laws, in particular Part II of its Constitution which incorporates verbatim pertinent provisions of the European Convention on Human Rights, which Cyprus has ratified. The Constitution imposes on the legislature, the executive and the judiciary a duty to secure its efficient application as regards human rights and fundamental freedoms. It further described the power of the Attorney-General, as an independent officer of the State, to investigate crimes constituting or involving human rights violations. It also drew attention to the possibility of appointing commissions of inquiry in

cases concerning conduct that may involve violations of international human rights standards and explained the role of the Commissioner for Administration, empowered to investigate complaints against the public service or its officials, including the police, the army and the National Guard. The Commissioner is expressly authorized to investigate complaints involving allegations of human rights violations. Finally, the Government underlined that the Constitution safeguards the right of access to justice and described the scope of remedies available to victims of human rights violations.

5. The Government of Germany highlighted the work of the Federal Commissioner for the files of the State Security Service of the former German Democratic Republic, which was to help process and, wherever possible, provide compensation for past serious violations of human rights, including "systematic injustice" meted out by the former GDR to its own citizens. In this regard, the agency focused on the activities of the Ministry of State Security of the GDR, its predecessors and successors. The Federal Commissioner - independent and subject only to law - is elected by the German Bundestag for a period of five years on the proposal of the Federal Government and can be re-elected once. The Federal Commissioner works on the basis of the Act on State Security Service Files of 20 December 1991, which stipulates how the files of the GDR State Security System are to be collated, read, administered and used. The purposes of the Act and the role of the Federal Commissioner are: to grant every individual access to the files kept on him/her by the State Security Service so that he or she is informed as to how the State Security System may have influenced his personal life; to protect the individual from invasions of his personal privacy through misuse of the information gathered about him by the State Security Service; and to facilitate the historical, political and legal processing of the activities of the State Security Service. The Government also detailed the tasks of the Federal Commissioner as regards access to files, rehabilitation and compensation, criminal prosecution, screening of State employees, and research and education.

6. The Government of New Zealand reported that it had surveyed its existing domestic legislation on impunity, and that a large number of civil and political rights to which all persons in New Zealand are entitled are set out in the New Zealand Bill of Rights Act, 1990. These include the rights to life and security of the person, civil and democratic rights, non-discrimination and minority rights, rights of persons searched, arrested and detained, and the right to justice. These rights are subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. In cases where such rights may be breached by any branch of Government or by any person or body exercising a public function, power or duty, a public law right of damages lies against the Crown. If the breach also constitutes a criminal act, the usual array of criminal sanctions is available. Civil remedies, such as a suit in tort for wrongful detention, may also be available against the wrongdoer. The Human Rights Act, 1993, sets out a wide range of grounds of unlawful discrimination and the areas of public life in which it is unlawful to discriminate on these grounds. These grounds are: sex; marital status; religious belief; ethical belief; colour, race, ethnic or national origin (which includes nationality or citizenship); disability; age; political opinion; employment status; family status; or sexual orientation. A victim of unlawful discrimination, racial or sexual harassment or the incitement of racial disharmony, may bring civil proceedings before the Complaints Review Tribunal (with a right of general appeal to the High Court and then on a point of law to the Court of Appeal). The Tribunal has broad discretion to grant relief, including damages to NZ$ 200,000 and restraining orders (or refer the granting of remedies to the High Court). Many such acts may

also give rise to general civil liability. The Act also provides for criminal offences including the incitement of racial disharmony (with punishment of up to three months' imprisonment or a fine of $7,000) and the refusal of public access to places, vehicles and facilities on unlawful grounds (with punishment of a fine of up to $3,000). In addition, New Zealand has passed the Crimes of Torture Act, 1989, and the Geneva Conventions Act, 1958, which implement its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Geneva Conventions of 12 August 1949, as well as Additional Protocol I thereto, respectively. The torture legislation makes an act of torture, whether committed in or outside New Zealand territory, punishable with up to 10 years' imprisonment. The Geneva Convention legislation punishes certain grave breaches of the Conventions and Protocol, wherever committed, with up to 14 years' imprisonment or the punishment for murder, as the case requires. Finally, the Government drew attention to the fact that, in respect of persons suspected of serious human rights violations who are no longer located within its territory, it can make an extradition request of a country where the person is located, provided that New Zealand has an extradition relationship with that country and the violation constitutes a criminal offence punishable in both countries by at least one year of imprisonment.

7. The Government of Peru noted first that impunity is a state in which a crime or wrong is not condemned or punished in respect of the corresponding law breached. In this connection, there are two kinds of impunity: impunity in fact and impunity in law. The first concerns situations where the law provides sanctions but prosecution and punishment may not be effective, for example, through the delinquency of the accused who may have fled or through the impossibility or impracticability of identifying the perpetrator. The second concerns situations where the law does not prescribe sanctions for a breach of law, for example, through pardons. In the sense of paragraph 8 of Commission resolution 1999/34, the most important legal means concern those arising from penal law as provided for in the Peruvian Penal Code (Legislative Decree No. 635) which permit administrative or judicial orders to characterize and sanction acts as crimes, because it is only once criminal acts are determined as such in light of the facts that an omission to prosecute and punish can be observed to generate impunity. In this connection, for example, impunity can arise from the moment at which a person who observes a criminal act fails to denounce it. In such cases, the responsibility of the State is limited by the level of civic responsibility in society. However, education can be used to enhance respect for human rights and the obligation to denounce violations. Naturally, the process of human rights education must be carried out in line with other economic and political factors that enhance key State efforts to combat impunity. The Government emphasized that it was doing all it could to promote social order through the denunciation of illicit acts and the eradication of impunity. In addition to the diversity of crimes contained in the Peruvian Penal Code - the pre-eminent instrument with regard to the eradication of impunity - one must refer also to such mechanisms as the restructured National Tax Supervision Administration which can effectively denounce tax evasion and related crimes and which has improved the Government's efforts at economic restoration. As a consequence of, and parallel with, the Judicial Reform instituted by the present Government was the restructuring of the Office of Control of the Magistracy, which has made an enormous contribution to the safeguarding of the rights of individuals through regular prosecution and administrative justice. Among other State means are those of the Office of Provisional Normalization which has made possible the detection of certain illicit acts which would otherwise have gone unpunished, such as false pension claims or other benefits. Logically, the administrative means available to the Peruvian State discussed above correspond

to a particular legal basis which contemplate the nature, objectives and functions for each measure adopted. The Government drew attention also to its ratification of the Inter-American Convention against Corruption. It observed that the application of norms designed to prevent conflict of interests and ensure the preservation and adequate use of the assigned resources by the competent authorities against acts of corruption must be recognized. This has helped to preserve confidence in the integrity of the public service and administration. Finally, it was necessary to impart instructions to the personnel of public entities in order to ensure that they understand their responsibilities and the ethical rules which govern their activities.

8. The Government of the United Kingdom of Great Britain and Northern Ireland drew attention to the fact that on 30 November 1998, it signed the Rome Statute of the International Criminal Court. The Government indicated that it was currently preparing the domestic legislation necessary to pave the way for ratification of the Rome Statute. In order to ensure that all instances of genocide, crimes against humanity and war crimes which might occur in the territory of the United Kingdom could be punished by domestic courts, this legislation will incorporate into domestic law the offences set out in the Rome Statute.

9. The Economic Commission for Latin America and the Caribbean indicated that within the Caribbean region, a number of issues have arisen concerning claims for compensation arising from the historical experience of slavery and indentureship, the plight of indigenous peoples, and issues relating to nationalization and expropriation carried out by the State.

10. The International Criminal Tribunal for the Former Yugoslavia (ICTFY) - the first international criminal tribunal established since the International Military Tribunals at Nuremberg and Tokyo conducted trials following the end of the Second World War for crimes against peace, war crimes and crimes against humanity - counts as a major step in international efforts against impunity. The Tribunal's Registrar provided documentation on the jurisdiction and operation of the Tribunal, including Basic Documents, the Statute of the ICTFY, the latest version of the Rules of Procedure and Evidence, two Practice Directions relating to the enforcement of sentences handed down by the Tribunal, as well as the annual report of the Secretary-General to the Security Council and the General Assembly.

11. The International Rehabilitation Council for Torture Victims, as part of the Coalition of International NGOs against Torture (CINAT), comprising Amnesty International, the Association for the Prevention of Torture, the Federation of Actions by Christians for the Abolition of Torture, the World Organization against Torture and Redress Trust, held a panel discussion during the 1999 regular session of the Commission on Human Rights on the theme of impunity for serious human rights violations at which CINAT member organizations presented their respective approaches to the problem. The International Rehabilitation Council for Torture Victims emphasized that impunity for torture remains a major obstacle in the rehabilitation of victims of torture, particularly where such impunity creates the impression that the community in which the victim lives implicitly condones the violation.

12. The International Federation of Surgical Colleges observed that the study of the prevention and management of disasters normally focuses on one of three categories: natural disasters, man-made disasters and complex disasters. However, to these categories there ought to be added a fourth: "man-conceived disasters", including genocide, mass deportations, the use of death camps, ethnic cleansing, enforced or involuntary disappearances and other serious violations of human rights and humanitarian law. The International Federation stressed that such disasters were "intentionally conceived" and had to be addressed by the Office of the United Nations High Commissioner for Human Rights and the international community at large in this light.